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10 Attorneys for Defendants
11 EDUCATIONAL COMMISSION FOR
12 FOREIGN MEDICAL GRADUATES
13 erroneously sued as
14 EDUCATION COMMISSION FOR
15 FOREIGN MEDICAL GRADUATES; and
16 FOUNDATION FOR ADVANCEMENT OF
17 INTERNATIONAL MEDICAL EDUCATION
18 AND RESEARCH

19
20
21 UNITED STATES DISTRICT COURT
22
23 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
24

25 ST.LUKE SCHOOL OF MEDICINE, et al.) Case No. CV-10-1791RGK (SHx)
26 Plaintiff(s))
27 v.) DECLARATION OF DENNIS
28 REPUBLIC OF LIBERIA, et al.) DONOHUE IN SUPPORT OF
Defendants.) MOTION TO DISMISS PLAINTIFFS'
) FIRST AMENDED COMPLAINT
) FOR LACK OF PERSONAL
) JURISDICTION
) [FRCP Rule 12(b)(2)]
Date: June 14, 2010
Time: 9:00 a.m.
Courtroom: 850

29
30 I, Dennis Donohue, hereby declare as follows:
31
32 1. I am the Senior Vice President for Finance of defendant EDUCATIONAL
33 COMMISSION FOR FOREIGN MEDICAL GRADUATES ("ECFMG") and the Treasurer of
34 defendant FOUNDATION FOR ADVANCEMENT OF INTERNATIONAL MEDICAL

1 EDUCATION AND RESEARCH (“FAIMER”). I have personal knowledge of all matters stated
2 herein.

3 2. Defendant ECFMG is a 501(c)(3) not-for-profit corporation, incorporated in the
4 State of Illinois, with its principal place of business in Philadelphia, Pennsylvania and is engaged
5 in the business of assessing and certifying foreign medical graduates for entry into graduate
6 medical education programs in the United States.

7 3. Defendant FAIMER is a 501(c)(3) not-for profit corporation, incorporated in the
8 State of Pennsylvania, with its principal place of business in Philadelphia, Pennsylvania and is
9 engaged in the business of enhancing international medical education through programs of
10 research and education, as well as maintaining a directory of international medical schools,
11 known as the International Medical Education Directory (“IMED”).

12 4. Neither moving defendant is incorporated in California.

13 5. No officers or directors of either moving defendant reside or are domiciled in
14 California.

15 6. All of defendant ECFMG’s operations out of which this case arises occurred in
16 Pennsylvania., although defendant ECFMG does currently runs a single testing facility for a
17 single component of the United States Medical Licensing Exam in Los Angeles, California.

18 7. All potential employee and non-employee witnesses for ECFMG are located in
19 Pennsylvania.

20 8. Defendant FAIMER is not qualified to do business in California, nor does it have
21 any subsidiaries incorporated or qualified to do business in California.

22 9. Defendant FAIMER has no employees residing or domiciled in California; nor
23 has it contracted with persons residing in California to act on their behalf with respect to
24 marketing, distributing or servicing any of defendant’s goods or products.

25 10. Defendant FAIMER has no branch office or comparable facilities in California,
26 nor does it have telephone listings or mailing addresses in California. Defendant FAIMER has
27 no tangible personal or real property in California.

28 11. Moving defendants do not have any bank accounts in California.

12. The acts or omissions for which plaintiffs seek to hold defendants liable in this action all occurred outside of California.

13. It would be unreasonable to require defendants to defend this action in courts within California due to the burden on moving defendants considering that moving defendants are not incorporated in California, their principal place of business is in Pennsylvania, all business operations out of which this case arises occurred in Pennsylvania, and all witnesses and employees of moving defendants are located are in Pennsylvania.

14. Plaintiffs served moving defendants with their First Amended Complaint on April 21, 2010 in the State of Pennsylvania.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 12, 2010 at Philadelphia, Pennsylvania.

Dennis Donohue
Senior V.P. for Finance for
EDUCATION COMMISSION FOR
FOREIGN MEDICAL GRADUATES

Dennis Donohue
Treasurer for
FOUNDATION FOR ADVANCEMENT
OF INTERNATIONAL EDUCATION
AND RESEARCH